

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PHILLIP JAY STERLING, JR.,

Plaintiff,

v.

THE STATE OF TEXAS,

Defendant.

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Civil Action No. 3:23-CV-1432-X-BN

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE
JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. [Doc. 6]. The Magistrate Judge recommends the Court should *sua sponte* remand this action to the Tarrant County court from which it was removed.

Plaintiff filed an objection. Generously construed, Plaintiff argues that the Court has jurisdiction over this matter because he is not a United States citizen, because he is an “official foreign diplomat,” because he filed a “maritime lien on [a] vessel in commerce,” and because he “ha[s] been kidnapped by the state of Texas.”¹ None of these arguments rebut the Magistrate Judge’s finding that Plaintiff failed to show “that the rights allegedly denied him arise under a federal law providing for specific rights stated in terms of racial equality nor that he was denied or cannot

¹ Doc. 8 at 1–4.

enforce the specified federal rights in the state courts due to some formal expression of state law.”² Accordingly, the Court **OVERRULES** Plaintiff’s objection.

The District Court reviewed *de novo* those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding none, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and **REMANDS** this action to the Tarrant County court from which it was removed.

IT IS SO ORDERED this 30th day of August, 2023.



BRANTLEY STARR
UNITED STATES DISTRICT JUDGE

² Doc. 6 at 5 (cleaned up).